

March 3, 1983

LB 208

SPEAKER NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would also like to oppose the Wesely amendment. I think it should be pointed out in the first instance and I think this will be discussed by others that there is a real serious question as to whether the county attorney should be a collection agency at all. They are in effect acting as a collection agency and that is a function that is unusual for that office, but I will let others speak to that. But assuming for a minute that they are going to be the collection agency, then it makes sense to at least allow them to recover the cost of doing the collection work. You know, if you took something to a collection agency, rather than the county attorney, if someone simply didn't pay you instead of issuing a bad check, they would charge you a third to a half of what you collect in order to do the collecting. Here we are talking about a mere \$7 fee, and as you are all aware, just to have a secretary send out one letter these days and have somebody proofread it and go through the whole process easily costs you in the neighborhood of \$7. And then don't forget that the county attorney in many of these cases gets involved in negotiating processes. The person comes in and says, yes, I do owe a hundred bucks, but, my gosh, I can only pay \$20 at a time. Can I sit down with you and discuss how I can pay it? And so he sits down with the county attorney and eats up another half hour and they discuss how he is going to make the payments. Then he gets half way through and he quits making the payments and they have to write him another letter and say, are you going to finish making these payments? Are we going to prosecute you? They have another negotiating session and great deals of time are eaten up on this process. I want to say and point out to you because I don't think it was clear in Senator Wesely's presentation how this actually works. If the county attorney collects the money...if the county attorney collects the money, he is going to reimburse the business man that \$2 or if the bill passes, that \$7 that was paid. So the business man gets that fee back if the money is collected. If they are unable to collect the money, then the business man doesn't get his fee back. But in that situation, of course, if you are going to say that there is no fee, then what you are saying is that the county attorney's office has to eat all the losses with regard to those cases or they come from those cases where they are unable to collect. And Jack Mills of the County Officials Association opposes this amendment and you can readily see why, because this is going to put a great deal of additional burden costwise on the county attorney's office. In Lancaster County, for example, they